

REMARKS

Claim 14 has been cancelled without prejudice or disclaimer of the subject matter recited therein, and claims 1-6 and 8-12 have been amended. Claims 1-13 and 15-59 are pending and claims 15-59 have been withdrawn from consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1, 2, 7-9, 13 and 14 are rejected under 35 U.S.C. §102(e) as being anticipated by Yuuki et al. (U.S. Patent Publication 2006/0007372).

Applicants respectfully traverse this rejection for at least the following reason.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a double-sided light emitting device comprising: lower and upper substrates; **an emission element** formed between an inner surface of the upper substrate and an inner surface of the lower substrate and emitting predetermined light; an upper layer of polarizing material disposed on at least one of inner and outer surfaces of the upper substrate; and a lower layer of polarizing material disposed on at least one of inner and outer surfaces of the lower substrate, wherein the upper and lower layers of polarizing material are disposed so that **polarization axes** of the upper and lower layers of polarizing material **are perpendicular to each other**.

Yuuki discloses a double-sided liquid crystal display device including a front light having a light source 11, a reflection prism, a color filter corresponding to first polarizing means, a CF side phase difference plate, a CF side glass substrate corresponding to a first substrate, a liquid crystal layer, a TFT array substrate, a TFT array side phase difference plate, a TFT array side polarizer corresponding to second polarizing means, and a **quarter λ phase difference plate** (second quarter λ phase difference plate) (paragraph [0059]). In other words, Yuuki discloses a double-sided liquid crystal display device, along the lines of the conventional art, in which a λ phase plate is necessary to block the external light and improve contrast (paragraph [0005] of the present specification).

Contrary to Yuuki, independent claim 1 recites disposing the upper and lower layers of polarizing material so that the **polarization axes** of the upper and lower layers of polarizing

material **are perpendicular to each other**, thus eliminating the need for the **quarter λ phase difference plate**.

Furthermore, it is noted that the display device disclosed by Yuuki, is a display device of non-emissive type. As noted above, independent claim 1 recites **an emission element** formed between an inner surface of the upper substrate and an inner surface of the lower substrate and emitting predetermined light. That is, in the display device recited in independent claim 1, since an emission element is formed between the upper substrate and lower substrate, a light source emitted from the emission element is not an external light where a contrast is decreased. In other words, the light source recited in independent claim 1 is not a reflected external light or a transmitted external light. Contrary to independent claim 1, Yuuki discloses a front light 6 disposed at the opposite side of the first substrate 15. Accordingly, a light source from the front light is an external light where contrast is decreased. Therefore, Yuuki relates to a non-emissive display device, whereas independent claim 1 relates to a display device of the emissive type.

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. § 102(e) should be withdrawn because Yuuki fails to teach or suggest each feature of independent claim 1.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 2 and 7 under 35 U.S.C. § 102(e) should be withdrawn at least because of their dependence from claim 1 and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 2 and 7 also distinguish over the prior art.

Regarding the rejection of independent claim 8, it is noted that claim 8 recites a double-sided light emitting device comprising: lower and upper substrates; **an emission element** formed between an inner surface of the upper substrate and an inner surface of the lower substrate and emitting predetermined light; an upper polarizing plate disposed on any one of inner and outer surfaces of the upper substrate; and a lower polarizing plate disposed on any one of inner and outer surfaces of the lower substrate, wherein the **upper and lower polarizing plates have polarization axes** disposed to be **perpendicular to each other**.

As noted above, Yuuki discloses a double-sided light emitting device along the lines of

the conventional art in which the external light passes through a λ phase compensating plate in order to block the external light and improve contrast, thus requiring a separate reflective plate (paragraph [0005] of the present specification).

Contrary to Yuuki an aspect of independent claim 8 is to eliminate the separate reflective plate, which is achieved by providing the elements recited above and in particular by disposing the **upper and lower polarizing plates perpendicular to each other.**

Furthermore, it is noted that the display device disclosed by Yuuki, is a display device of non-emissive type. As noted above, independent claim 8 recites **an emission element** formed between an inner surface of the upper substrate and an inner surface of the lower substrate and emitting predetermined light. That is, in the display device recited in independent claim 8, since an emission element is formed between the upper substrate and lower substrate, a light source emitted from the emission element is not an external light where a contrast is decreased. In other words, the light source recited in independent claim 8 is not a reflected external light or a transmitted external light. Contrary to independent claim 8, Yuuki discloses a front light 6 disposed at the opposite side of the first substrate 15. Accordingly, a light source from the front light is an external light where contrast is decreased. Therefore, Yuuki relates to a non-emissive display device, whereas independent claim 8 relates to a display device of the emissive type.

Accordingly, Applicants respectfully assert that the rejection of claim 8 under 35 U.S.C. § 102(e) should be withdrawn because Yuuki fails to teach or suggest each feature of independent claim 8.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 9 and 13 under 35 U.S.C. § 102(e) should be withdrawn at least because of their dependence from claim 8 and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 9 and 13 also distinguish over the prior art.

Regarding the rejection of dependent claim 14, it is noted that claim 14 has been cancelled without prejudice or disclaimer of the subject matter recited therein. Accordingly, Applicants respectfully submit that the rejection of claim 14 is moot.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 3-6 and 10-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yuuki et al. (U.S. Patent Publication 2006/007372), of record by Examiner.

Regarding the rejection of claims 3-6 and 10-13 it is noted that these claims depend from independent claims 1 and 8, respectively and as noted above, Yuuki fails to teach or suggest the novel features of the independent claims.

Furthermore, it is noted that the Office Action indicates that since Applicants have not disclosed any criticality to the various alternative positions claimed, it is the position of the Examiner that the claimed locations of the lower and upper polarizing layers are an obvious choice of design.

Applicants respectfully traverse such characterization for the following reasons. At least paragraphs [0063] through [0070] disclose the importance of the locations of the polarizing layers. Furthermore, throughout the specification it is noted the importance of arranging the lower and upper polarizing layers for fabrication purposes. Accordingly, Applicants note that the specification does in fact provide the criticality of the various alternative positions claimed.

Additionally, it is noted that, in order to rely upon the legal theory that a design alternative does not represent a patentable distinction, the Examiner needs to provide evidence in the then-existing prior art that one of ordinary skill in the art would have been motivated to make the design alternative. As noted in MPEP 2144.04, "[t]he mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device" *quoting Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

In the instant case, the Examiner has not provided evidence from the prior art that a motivation then existed to make this design choice as is required to maintain a rejection based, in part, on design choice.

Accordingly, Applicants respectfully assert that the rejection of dependent claims 3-6 and 10-13 under 35 U.S.C. § 102(e) should be withdrawn at least because of their dependence from claims 1 and 8, respectively, and because the dependent claims include additional features

which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 3-6 and 10-13 also distinguish over the prior art.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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